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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 05/27/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary

Application No.

09/290,941 R
00/000,000

Applicant(s)

<UNKNOWN>

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 and 36-43 is/are allowed.
- 6) ☒ Claim(s) 1,9,11,16,20,21,25,33 and 35 is/are rejected.
- 7) ☒ Claim(s) 2-8,10,17-19,22-24,26-32 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12.
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 23.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 9, 11, 16, 20, 21, 25, 33, and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek (US 6,324,279) in view of Christie (US 6,445,695).

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Regarding claims 1, 16, 20, and 25, Kalmanek teaches a method and apparatus for a H.323 system (fig. 1, col. 1 lines 29 - 41), including an edge device (fig. 1 box 120) and a call-switching device (fig. 1 box 110), the edge device having a first H.323 port.

The system comprises receiving from an H.323 node a first admission request (fig. 6 setup: see connection BTI_o to ER_o).

The system comprises transmitting from the edge device to the call-switching device a second admission request for the H.323 call (fig. 6 setup: see connection ER_o to GC_o).

The system comprises responsive to transmitting the second admission request, receiving from the call-switching device at the edge device an admission confirmation for the H.323 call indicating that the H.323 call can proceed (fig. 6: gatealloc).

Regarding claims 1, 16, 20, and 25, Kalmanek fails to teach storing on the edge device call state information corresponding to a state of the H.323 call and updating the call state information on the edge device after receiving the admission confirmation. Note, although Kalmanek teaches storing on the edge device call state information corresponding to a state of the H.323 call and updating the call state information on the edge device after receiving the admission confirmation (col. 4

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lines 14-17), this limitation is not supported in the provisional applications (60/104,878 and 60/095,288).

Regarding claims 1, 16, 20, and 25, Christie teaches storing /updating on the edge device call state information corresponding to a state of the H.323 call (fig. 1 box 150, col. 4 lines 7-14). Note, by storing, the system is updating.

Regarding claim 16, Kalmanek fails to teach the edge device has a memory.

Regarding claim 16, the edge device has a memory, Christie teaches the edge device has a memory (fig. 1 box 150, col. 4 lines 7-14). Note, by handling call state information, a memory must exist.

Therefore it would have been obvious to one of ordinary skill in the art, having both Kalmanek and Christie before him/her and with the teachings [a] as shown by Kalmanek, a method and apparatus for a H.323 system, including an edge device and a call-switching device, the edge device having a first H.323 port, and [b] as shown by Christie, storing /updating on the edge device call state information corresponding to a state of the H.323 call, to be motivated to modify the system of Kalmanek by storing /updating on the edge device call state information corresponding to a state of the

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H.323 call. This modification can be performed in software. This would improve the system by allowing for less expensive, less computationally intensive terminals in an IP telephony network (Christie: col. 3 lines 10-16).

Regarding claims 9, 21, and 33, Kalmanek teaches supporting network address translation (col. 17-18 Tables 1-4).

The system receives a packet and translates the packet so as to define the IP address as the source address (Kalmanek: col. 17-18 Table 2,3).

Regarding claims 11 and 35, the call state information includes call state (Kalmanek: col. 12 lines 9-23).

Allowable Subject Matter

3. Claims 12-15 and 36-43 are allowed.
4. Claims 2-8, 10, 17-19, 22-24, 26-32, and 34, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 12, Kalmanek teaches a first communication channel (fig. 1 see connection from box 190 to 120), a second communication channel (fig. 1 see connection from box 120 to 100).

Christie teaches a memory, for holding call state information, the call state information including information about H.323 calls placed by an H.323 device (fig. 1 box 150, col. 4 lines 7-14).

However, nothing in the prior art of the record teaches or fairly suggests the memory of Christie (fig. 1 box 150) being a part of a virtual-distributed gatekeeper device.

Regarding claim 36, Kalamnek teaches a first communication channel (fig. 1 see connection from box 190 to 120), and a second communication channel (fig. 1 see connection from box 120 to 110).

Christie teaches a memory, for holding call state information, the call state information including information about H.323 calls placed by an H.323 device (fig. 1 box 150, col. 4 lines 7-14).

However, nothing in the prior art of the record teaches or fairly suggests the edge device operable to send to at least one element of the packet-based network over the second

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communication channel unbeknownst to the H.323 terminal to at least one H.323.

Regarding claim 38, Kalmanek teaches a first communication channel (fig. 1 see connection from box 190 to 120).

Christie teaches a memory, for holding call state information, the call state information including information about H.323 calls placed by an H.323 device (fig. 1 box 150, col. 4 lines 7-14).

However, nothing in the prior art of the record teaches or fairly suggests the memory of Christie holding a port status table, the port status table indicating the status of each of the plurality of H.323 ports.

Regarding claim 40, although Kalmanek teaches a call switching device (fig. 1 box 110), and an edge device (fig. 1 box 120). The edge device receives a request for call admission (fig. 6 Setup) and transmits to the call switching device a second request for call-admission control (fig. 6 Setup).

Christie teaches an edge device having a memory for storing call state information.

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However, nothing in the prior art of the record teaches or fairly suggests the edge device unbeknownst to the H.323 terminal a second request for call-admission control for the H.323 call.

Regarding claim 4, nothing in the prior art of the record teaches or fairly suggests if a failure in the call-switching device occurs, the H.323 call continues uninterrupted.

Regarding claims 10 and 34, although Kalmanek teaches NAT, nothing in the prior art of the record teaches or fairly suggests using an H.323 proxy server and the NAT protocol to translate a H.323 packet to define a destination address.

Regarding claim 17, nothing in the prior art of record teaches or fairly suggests the edge device storing a parameter indicative of the H.323 port and the call state information.

Regarding claim 22, nothing in the prior art of record teaches or fairly suggests an H.323 proxy service.

Regarding claims 2 and 23, Kalmanek teaches receiving a first status request and transmitting a second status request

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(fig. 6 Setup). Kalmanek teaches receiving from the call switching device a first response (fig. 6: gatealloc). However, nothing in the prior art of record teaches or fairly suggests updating call status information on the edge device after receiving the first response (fig. 6: gatealloc).

Regarding claim 26, the first and second requests for call admission comprise any of a request for call-admission control (Kalmanek: fig. 6: Setup), nothing in the prior art of record teaches or fairly suggests updating the call state information on the edge device in response to confirmation of the request for admission, request for registration, or request for status.

Regarding claim 28, nothing in the prior art of record teaches or fairly suggests if failure in the call-switching device occurs, the H.323 call continues uninterrupted.

Response to Arguments

5. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant with respect to first paragraph issues (applicant: pg. 2 section 2).

Regarding the 103 rejection, (applicant: pg. 4 section3), the

examiner agrees that the rejection is not appropriate.
Therefore, a new search was performed and a new rejection is submitted with respect to Kalmanek and Christie.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ronald Abelson
Examiner

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5/17/04



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